

## **SWM-SWP-P-074-Inspection Frequency - 07/01/23**

### **Standard Operating Procedure (SOP) - Inspection Frequency of Solid Waste Facilities - Policy**

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DISCLAIMER: This document is policy only and does not create legal rights or obligations. It is intended to provide the Department's Bureau of Environment staff information on how to apply decisions, procedures, and practices pertaining to the internal operation or actions of the division. Decisions affecting the public, including the regulated community, in any particular case will be made applying applicable laws and regulations to the specific facts.

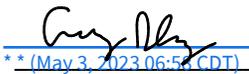
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**EFFECTIVE DATE: 07/01/23**

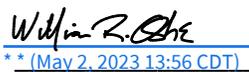
#### **SIGNATURES:**



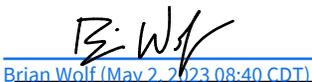
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Lisa A. Hughey, CHMM, Director, Division of Solid Waste Management  
Approver

  
\* (May 3, 2023 06:54 CDT)

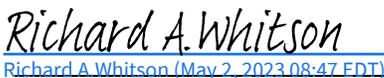
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Craig Almanza, Deputy Director of the Central Office, Division of Solid Waste Management -  
Reviewer

  
\* (May 2, 2023 13:56 CDT)

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Rob Ashe, Deputy Director of Field Office Operations, Division of Solid Waste Management  
Reviewer

  
Brian Wolf (May 2, 2023 08:40 CDT)

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Brian Wolf, Solid Waste Program Manager, Division of Solid Waste Management Reviewer

  
Richard A. Whitson (May 2, 2023 08:47 EDT)

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Richard A. Whitson, Environmental Fellow, Division of Solid Waste Management  
Drafter / Preparer

  
\* (May 2, 2023 07:45 CDT)

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Brianna Rives, Environmental Scientist, Division of Solid Waste Management  
Drafter / Preparer

**A. PURPOSE**

This policy defines the various operating statuses for solid waste facilities. Additionally, this policy provides minimum inspection frequencies for solid waste facilities and Recovered Materials Processing Facilities (RMPPF) to ensure T.C.A. § 68-211-101 et seq. is applied in a consistent manner across the State. Frequencies in this Policy are based on normal situations and may be changed by the Director of the Division of Solid Waste Management.

**B. STATUTORY AND REGULATORY AUTHORITY**

**Tennessee Statutory Authorities**

T.C.A. § 68-211-101 et seq.

**68-211-102 states:**

***Public policy.***

**(a)** *In order to protect the public health, safety and welfare, prevent the spread of disease and creation of nuisances, conserve our natural resources, enhance the beauty and quality of our environment and provide a coordinated statewide solid waste disposal program, it is declared to be the public policy of the state of Tennessee to regulate solid waste disposal to:*

- (1)** *Provide for safe and sanitary processing and disposal of solid wastes;*
- (2)** *Develop long-range plans for adequate solid waste disposal systems to meet future demands;*
- (3)** *Provide a coordinated statewide program of control of solid waste processing and disposal in cooperation with federal, state, and local agencies responsible for the prevention, control, or abatement of air, water, and land pollution; and*
- (4)** *Encourage efficient and economical solid waste disposal systems.*

**(b)** *The general assembly declares that it is the policy of this state to ensure that no hazardous waste, as regulated under chapter 212 of this title, is disposed of in a solid waste disposal facility. Therefore, subject to the appropriation of funds in the general appropriations act for such purposes, the department shall develop an inspection program for all permitted facilities, including landfills and processing facilities, that provides for frequent, thorough and regular inspections. Further, subject to the appropriation of funds in the general appropriations act for such purposes, the department shall inspect waste streams, baled waste and special waste generators and transporters to prevent the introduction of hazardous waste into solid waste disposal facilities.*

T.C.A. § 68-211-801 et seq.

### **Tennessee Rule Authorities**

The Rule citations listed below and in this Policy were effective on the Effective Date of this policy and could be amended on a later date and those Rules, as amended, would apply. Additionally, this is not a comprehensive list of all the regulations that could apply to solid waste facility inspections.

Rule 0400-11-01-.02(5)(a)8 [Rule page 42<sup>1</sup>] states:

*The permittee shall allow the Commissioner, or an authorized representative, to:*

- (i) Enter at any reasonable time the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;*
- (ii) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;*
- (iii) Inspect at any reasonable time any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit (Note: If requested by the permittee at the time of sampling, the Commissioner shall split with the permittee any samples taken.);*
- (iv) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location; and*
- (v) Make photographs for the purpose of documenting items of compliance or noncompliance at waste management units, or where appropriate to protect legitimate proprietary interests, require the permittee to make such photos for the Commissioner.*

### **C. DSWM FACILITY OPERATING STATUS DEFINITIONS**

Operating - Has an active solid waste permit and is currently receiving solid waste.

Not Operating - Has an active solid waste permit that is not currently receiving solid waste but has received solid waste in the past. This includes:

1. Disposal facilities which have been constructed to some degree and received some solid waste but are not currently receiving any solid waste.
2. All non-disposal solid waste facilities that have received solid waste in the past but presently have no solid waste onsite and have informed the Division of Solid Waste Management (DSWM) the facility does not plan on receiving additional solid waste at this time.
3. Facilities in the process of final closure and are no longer accepting waste and installing the approved final closure components per the solid waste permit.

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<sup>1</sup> The rule citations refer to the Rules of the Tennessee Department of Environment and Conservation Division of Solid Waste Management (March 2021 (Revised)) as published by the Tennessee Secretary of State.

Never Operated - Has an active solid waste permit and has never received solid waste.

Post-Closure – Has a solid waste disposal permit and the DSWM Director has approved final closure for the entirety of the permitted disposal facility but at least a portion of the permitted disposal facility remains subject to the post-closure rule requirements.

Closed - Facilities whose solid waste permits have been terminated.

**D. INSPECTION FREQUENCY<sup>2</sup>**

Operating & Not Operating Class I Landfills	12 per year <sup>3</sup>
Operating & Not Operating Class II, III & IV Landfills	1 per quarter
Post-Closure Class I, II, III & IV Landfills	2 per year <sup>4</sup>
Operating & Not Operating Tier II & III Composting Facilities	1 per quarter
Operating & Not Operating Permit by Rule Facilities <sup>5</sup>	1 per quarter
Operating, Not Operating, & Never Operated Convenience Centers	1 per year
Operating, Not Operating, & Never Operated Land Application Facilities	1 per year <sup>6</sup>
RMPF <sup>7</sup> with no Financial Assurance Requirement	1 per year
RMPF with a Financial Assurance Requirement <sup>8</sup>	2 per year
Never Operated Permitted Facilities (Except for Convenience Centers & Land Application Facilities)	2 per year
Closed Facilities	As Needed <sup>9</sup>

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<sup>2</sup>These are minimum inspection frequencies for solid waste facilities and RMPFs. Additional inspections may be necessary based on the nature of the facility and should be determined on a case-by-case basis. Such determination can be evaluated between Environmental Field Office Staff and Central Office Staff as needed. Follow-up inspections should be done as needed to ensure compliance at the facility.

<sup>3</sup> There shall be no more than 45 days between inspections.

<sup>4</sup> Scheduling of post closure inspections should allow for observation once during the wet season and once during the growing season.

<sup>5</sup> Solid Waste Processing Facilities, Transfer Stations, Tire Storage Facilities, Tier I Composting Facilities.

<sup>6</sup> Effective Fiscal Year 2024/2025.

<sup>7</sup> Please see Solid Waste Policy 141 for clarification on RMPFs. If a follow-up inspection is required, the inspector will coordinate with Central Office staff.

<sup>8</sup> For RMPFs that require a financial assurance instrument per Rule 0400-11-01-.02(1)(b)3(xxii)(VII), inspections must be done at a minimum of twice per year.

<sup>9</sup> Based on complaints/concerns.

<b>Revision Number</b>	<b>Date</b>	<b>Brief Summary of Change</b>
0	9/4/1992	Original Document
1	1/11/2013	Updated to: 1) Specify Class I Facility inspection frequency from 1 per month to 12 per year, with no more than 45 days between inspections; 2) Justify follow-up inspection necessity.
2	07/01/23	Updated to: 1) Define operating status for facilities; 2) Provide inspection frequency for RMPFs, Never Operating Facilities, and Closed Facilities.